

REMARKS

In an Office Action mailed on July 21, 2004, claims 34-42, 44-49 and 41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's Alleged Admitted Prior Art (AAPA) in view of Wold and Microsoft Releases Windows 95 Service Pack M2 Communications Presswire, 14 February 1996 (herein referred to as the "Microsoft document"); and claims 34-42, 44-49 and 51 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's Alleged Admitted Prior Art (AAPA) in view of Lipe and Microsoft. The § 103 rejections are addressed below.

In the latest Office Action, the Examiner contends that the Microsoft document satisfies the Examiner's requirement to support the Official Notice. Final Office Action, 8. However, the Microsoft document does not support the Official Notice for at least two reasons. First, the Microsoft document fails to show where the prior art contains the missing claim limitations, i.e., the patching of errors in a first configuration file (that is part of an operating system package that includes a stand-alone package to run a computer system without requiring additional software) with information in a second configuration file (that is external to the operating system package). More specifically, the Microsoft document merely refers to, "fixes that were made to Windows 95 components, including new file and printer sharing devices and enhanced password-list security." However, there is no teaching or suggestion in the Microsoft document regarding a configuration file that is external to an operating system package that includes information from which errors may be patched in a second configuration file. Therefore, for at least this reason, the Examiner still fails to establish a *prima facie* case of obviousness for independent claim 34.

The Examiner contends that the terminology used by the Applicant has a "broad meaning in the art." However, claims 34 and 44 contain extensive language delivering what is meant by the "first configuration file" and "second configuration file," and Applicant requests the Examiner to consider all of the limitations of these claims. Thus, when the expressly recited limitations of claims 34 and 44 are assigned the patentable weight that they are due, it becomes clear that the hypothetical combination of Wold and the Microsoft document fails to teach or suggest all of the limitations of either of these claims. Therefore, for at least this reason, a *prima facie* case of obviousness has not been established for either claim 34 or 44.

The Microsoft document also fails to satisfy the existence of the alleged suggestion or motivation in the art to modify Wold's ly2install script 135 (i.e., the alleged first configuration file) in view of the Microsoft document to derive the missing claim limitations. In other words, the Examiner has not shown where the prior art contains the suggestion or motivation to modify Wold so that its script file 135 contains information to patch an internal configuration file (that directs driver installation) or an operating system package. Without such a showing, a *prima facie* case of obviousness has not been established for either claim 34 and 44 for at least this additional, independent reason.

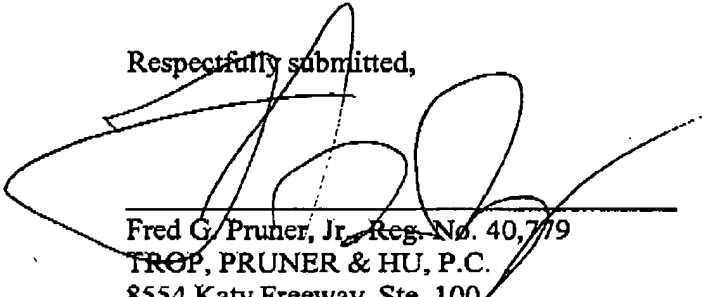
Claims 35-42 and 45-49 and 51 are patentable for at least the reason that these claims depend from allowable independent claims.

CONCLUSION

In view of the foregoing, withdrawal of the § 103 rejections and a favorable action in the form of a Notice of Allowance are requested. The Commissioner is hereby authorized to charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17 and/or credit any overpayments to Deposit Account No. 20-1504 (MCT.0126US).

Respectfully submitted,

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